

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
CHRISTOPHER B. McZORN,

Plaintiff,

3:06-CV-0033
(TJM)(DEP)

v.

ENDICOTT POLICE DEPARTMENT,

Defendant.

APPEARANCES:

CHRISTOPHER B. McZORN
Plaintiff, *pro se*

THOMAS J. McAVOY, SENIOR JUDGE

ORDER

By Decision and Order of this Court, *pro se* plaintiff Christopher B. McZorn was directed to file an amended complaint if he wished to avoid dismissal of this action.

Dkt. No. 4. Plaintiff's amended complaint is before this Court for review. Dkt. No. 7.

The sole defendant named in plaintiff's original complaint was the Endicott Police Department. Because even a liberal reading of plaintiff's complaint failed to reveal allegations against the Endicott Police Department sufficient to state a claim against the municipality pursuant to 42 U.S.C. § 1983, the Court found that the complaint, as drafted, failed to state a claim upon which relief could be granted. Dkt. No. 4 at 2-3.

Plaintiff's amended complaint names as defendants three individuals identified as members of the Endicott Police Department and sets forth allegations of misconduct by these officers in connection with plaintiff's arrest in August, 2004. Dkt. No. 7.

Although the Endicott Police Department is listed in the caption of the amended complaint, it is not identified as a defendant in the body thereof, nor does the amended

complaint contain any specific allegations against the Police Department.

Based upon the foregoing, the Endicott Police Department is dismissed as a defendant in this action.

WHEREFORE, it is hereby

ORDERED, that the Endicott Police Department is hereby dismissed as a defendant in this action, and it is further

ORDERED, that the Clerk revise the docket to reflect that the only defendants in this action are the three individuals named in the amended complaint (Dkt. No. 7), and it is further

ORDERED, that the Clerk issue summonses and forward them, along with copies of the amended complaint, to the United States Marshal for service upon the defendants.¹ The Clerk shall forward a copy of the summons and amended complaint to the Office of Counsel for the Village of Endicott, together with a copy of this Order, and it is further

ORDERED, that a formal response to plaintiff's amended complaint be filed by the defendants or their counsel as provided for in the Federal Rules of Civil Procedure subsequent to service of process on the defendants, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

Any paper sent by a party to the Court or the Clerk shall be accompanied by a

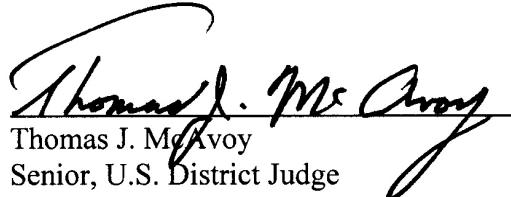
¹ Plaintiff's *in forma pauperis* application was granted by the Court in its prior Order. Dkt. No. 4.

certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a proper certificate of service is to be returned without processing. Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. Plaintiff must promptly notify the Clerk's Office of any change in his address; his failure to do so will result in the dismissal of this action. All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff by regular mail.

IT IS SO ORDERED.

Dated: May 9, 2006


Thomas J. McAvoy
Senior, U.S. District Judge